

IN THE UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF OHIO

In re:)	CASE NO: 10-56012
	)	Chapter 13
Daniel James Antell)	
)	
Debtor(s).	)	Judge Marilyn Shea-Stonum
)	
Daniel James Antell	)	ADVERSARY NO:
1920 16th St. S.W.	)	<u>COMPLAINT TO DETER-</u>
Akron, OH 44314	)	<u>MINE THAT CLAIMS OF</u>
	)	<u>HOUSEHOLD REALTY CORP-</u>
Plaintiff	)	<u>ORATION AND THE U.S.</u>
	)	<u>SECRETARY OF HOUSING</u>
v.	)	<u>AND URBAN DEVELOPMENT</u>
	)	<u>ARE UNSECURED CLAIMS,</u>
Household Realty Corporation	)	<u>AND TO AVOID JUDICIAL LIEN</u>
841 Seahawk Circle	)	<u>OF HOUSEHOLD REALTY CORP-</u>
P.O. Box 8546	)	<u>ORATION PURSUANT TO 11</u>
Virginia Beach, VA 23452	)	<u>U.S.C. SEC. 522(f)</u>
)	
Defendant)	
)	
and)	
)	
Secretary. U.S. Department of)	
Housing and Urban Development)	
451 Seventh St. SW)	
Washington, DC 20410)	
)	
Defendant.)	

Daniel James Antell, the plaintiff herein, by and through the undersigned counsel,
for his complaint against Household Realty Corporation and the Secretary of the U.S.
Department of Housing and Urban Development, alleges as follows:

1. This is a core proceeding over which this Court has jurisdiction under 28 U.S.C. Sec. 157(b).

2. The plaintiff is the debtor in this chapter 13 case. The defendant, Household Realty Corporation, claims or may claim to hold a secured claim against the plaintiff by virtue of a mortgage from Daniel J. Antell and Amanda Czarnecki to Household Realty Corporation dated October 28, 2005 in the amount of \$13,854.78, recorded as instrument number 55258931 on November 16, 2005 in the records of the Summit County, Ohio Fiscal Officer, recording division. Household Realty Corporation further claims or may claim to hold a secured claim against the plaintiff by virtue of a judgment lien filed in the Summit County Court of Common Pleas for the same indebtedness and designated in the judgment lien records of the Clerk of that Court as judgment lien number J2009-4769. Upon information and belief, the plaintiff avers that he owes a current approximate principal balance of \$8,385.10 on this indebtedness.

3. The defendant, the Secretary of the U.S. Department of Housing and Urban Development, claims or may claim to hold a secured claim against the plaintiff by virtue of a mortgage from Daniel J. Antell to the Secretary of Housing and Urban Development dated November 2, 2009 in the amount of \$8,775.58 and recorded as instrument number 55672243 on December 21, 2009 in the records of the Summit County, Ohio Fiscal Officer. Upon information and belief, the plaintiff avers that he owes a current approximate principal balance of \$8,775.58 on this indebtedness.

3. The alleged mortgage owed by the plaintiff to Household Realty Corporation referred to in paragraph number two (2) above is a second mortgage on the plaintiff's real

estate located at 1920 16th St., S.W., Akron, Ohio.

4. The alleged mortgage owed by the plaintiff to the Secretary of the U.S. Department of Housing and Urban Development referred to in paragraph number three (3) above is a third mortgage on the plaintiff's real estate located at 1920 16th St., S.W., Akron, Ohio.

5. The plaintiff's real estate located at 1920 16th St. S.W. Akron, Ohio is the plaintiff's residence. The plaintiff has claimed a homestead exemption in this real estate pursuant to Ohio Rev. Code Sec. 2329.66(A)(1) in the amount of \$20,200.00.

6. GMAC Mortgage holds the first mortgage on the plaintiff's real estate referred to above. The debtor avers that he owes an approximate current principal balance of \$67,000.00 on this first mortgage.

7. The value of the plaintiff's real estate referred to above does not exceed the amount of the appraisal of the Summit County Ohio Fiscal Officer, attached hereto as Exhibit "A," which is \$66,270.00.

8. Under the reasoning of *Lane v. Western Interstate Bancorp (In re Lane)*, 280 F.3d 663 (6th Cir. 2002), the plaintiff's alleged mortgage indebtedness owed to the defendants, if any, is a wholly unsecured claim and, as such, is subject to lien stripping.

9. Pursuant to 11 U.S.C. 522(f), the judgment lien referred to at paragraph two (2) above owed by the plaintiff to Household Realty Corporation impairs the plaintiff's homestead exemption referred to at paragraph five (5) above and is subject to avoidance by the debtor pursuant to that statute.

WHEREFORE, the plaintiff requests the entry of an order declaring that his

obligations owed to the defendants are wholly unsecured obligations and should be allowed and paid by the chapter 13 trustee inside the plaintiff's chapter 13 plan as general unsecured claims. The plaintiff further is entitled to a judgment declaring that the alleged second mortgage owed by the plaintiff to Household Realty Corporation and the alleged third mortgage owed by the plaintiff to the Secretary of the U.S. Department of Housing and Urban Development are null, void and without any legal effect whatsoever. The plaintiff further is entitled to a judgment avoiding and canceling the above-referenced judicial lien owed to Household Realty Corporation pursuant to 11 U.S.C. Sec. 522(f).

/s/ Robert M. Whittington, Jr. 0007851
Attorney for the Plaintiff
159 S. Main St., Suite 1023
Akron, OH 44308
330 384 8484
fax 330 384 8953
elkwhitt@neo.rr.com



54593012

Page: 1 of 2
08/05/2001 02:48P
DE 14.00

Know All Men by These Presents:

That Crawford Lumber ~~Company~~ ^{COMPANY Incorporated}, the Debtor in Possession and the Grantor, a corporation, in consideration of Ten and No/100 Dollars and other consideration, in hand paid to it by the Grantee,

Daniel J. Antell

the receipt whereof is hereby acknowledged, does hereby Grant, Bargain, Sell and Convey, to the said Grantee, his heirs and assigns forever, the following described Real Estate:

Descriptive, approved by Tax Maps
Approval good for 30 days from

7-5-01 GAB

Situated in the City of Akron, County of Summit and the State of Ohio and known as being all of Lot Number Forty-Five (45) in the Highland Homes Allotment, as recorded in Plat Book Twenty-One (21) and Page Fifty-Three (53) of the Summit County Records of Plats.

Be the same more or less, but subject to all legal highways, conditions, restrictions and easements of record, and zoning ordinances, if any.

Property has street address of: 1920 16th Street, Akron, Ohio

PPN: 05-0066-709-027

PN: 67-06264

05-0066-709-027

and all the Estate, Title and Interest of the said Grantor, either in Law or Equity, in and to the said premises; Together with all the privileges and appurtenances to the same belonging: To have and to hold the same to the only proper use of the said Grantee, his heirs, successors and assigns forever.

And the said Grantor, for itself and for its successors, hereby Covenants with the said Grantee, his heirs, successors and assigns, that it is the true and lawful owner of the said premises, and has full power to convey the same; and that the title so conveyed is Clear, Free and Unencumbered except for easements, restrictions, limitations of record and taxes and assessments not yet due and owing;

MIDLAND COMMERCE GROUP
ORDER NO: A-83972 JH



And further, That it does Warrant and will Defend the same against all claims of all persons whomsoever,
except as noted above.

In Witness Whereof, The Said Grantor has caused its corporate name to be hereunto subscribed
by Linda Hahn its Chairman, thereunto duly authorized by resolution of its Board of Directors.

Signed and acknowledged in presence of us:

[Signature]
(Signature of witness)

Deborah Loughborough
(Witness name printed)

[Signature]
(Signature of witness)

Darlene S. Loughborough
(Witness name printed)

Crawford Lumber Co., Inc.
Debtor in Possession

[Signature]
By: Linda Hahn, its Chairman

State of OHIO
County of SUMMIT

The foregoing instrument was acknowledged before me this 13th day of August, 2001, by
Linda Hahn, the Chairman of the Board, on behalf of the corporation.

TRANSFERRED IN COMPLIANCE WITH
SEC. 319.202 REV. CODE

\$ 70.500 ⁰⁰/₁₀₀ \$ 200.00 ⁰⁰/₁₀₀ FEE

Consideration [Signature]

FRANK WILLIAMS BY [Signature]
County Auditor Deputy Auditor
No. of pages 1

[Signature]
Notary Public - State of OHIO

My commission expires: Aug. 8, 2004

This Instrument was prepared by:
Joseph J. Burgoon
Attorney at Law
2621 Dorset Road, Columbus, Ohio - 44312
330-352-0717

TRANSFERRED
01 SEP - 5 PM 2:45
FRANK WILLIAMS
COUNTY AUDITOR

E X H I B I T A

Print

Pay by Phone

Pay On-Line

John A. Donofrio

Fiscal Officer, County of Summit

Note: This is a live file and is subject to constant change.

Print

IAS4 - INTEGRATED ASSESSMENT SYSTEM REVIEW DOCUMENT

Summit County Auditor Division, OH - Tax Year 2010

Reference Year

DEC 10, 2010

11:12 AM

BASIC INFORMATION FOR PARCEL 6706264

PARCEL	6706264	ALT_ID	050066709027000	NO CARDS	1
OWNER	ANTEL DANIEL J			INFO	
OWNER				---LISTER---	
DESC.	HIGHLAND HOMES LOT 45 ALL			857	17-OCT-06
DESC.				RENTAL REG	
DESC.		LUC 510	R - SINGLE FAMILY DWELLING, PLATTED		
ADDR.	1920 SW 16TH ST , AKRON 44314-			CLASS	R
SPEC FLAG				NBR	30100258
HOMESTEAD	No			2.5% REDUCTION	Yes
DISTRICT	67 AKRON CITY-AKRON CSD			INTER-COUNTY	77-0530

LAND FOR PARCEL 6706264

CODE	ACTUAL	BASE	DEPTH	UNIT	DEP/FAC	INCR/DECR	INFLUENCE	INFLU%	VALUE
01	41	40	110	375	.85	190/190			12910

LOT CODE: 01 = HOUSE LOT

RESIDENTIAL CARD 1 OF 1 FOR PARCEL 6706264

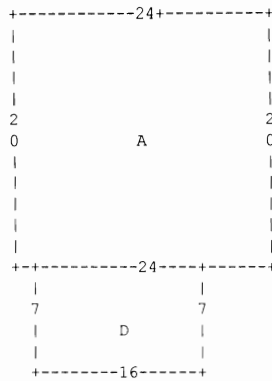
STYHT	2	HT/AC	CENTRAL AIR CONDITION
CONST	ALUMINUM/VINYL	FUEL	GAS
MSRY TRIM		SYSTEM	
TYPE	COLONIAL	ATTIC	NO
YR BUILT	1924	FINBSMT	
EFF YR		REC RM	
YRREMDLD		FRP PREFB	
TOT RM	6	FRPL OP/ST	
BEDRM	2	BSMT GAR	
FAMLYRM		PHYSICAL	50
FULL/BTH	1	FUNC DEP	
HALF/BTH		FUNC RSN	
TOT FIXTRS	5	ECON DEP	
BSMT	FULL	ECON RSN	
GFLA	480	GRADE	080
SFLA	1040	COND (CDU)	AVERAGE (100%)
		PCT CMPL	

DESCRIPTION: COLONIAL ALUMINUM/VINYL 2 STORY WITH 480 SQ FT GROUND FLOOR LIVING AREA AND 1040 TOTAL SQ FT LIVING AREA, BUILT ABOUT 1924. IT HAS 6 TOTAL ROOMS WITH 2 BEDROOMS, 1 FULL BATHROOM, A FULL BASEMENT, HEATING IS CENTRAL AIR CONDITION AND THE OVERALL CONDITION IS AVERAGE. THE "ADDN MISC FEATURES" VALUE WAS DERIVED FROM THE HT/AC (2120),.

+-----14-----+			
1		1	
0	E	0	
+-----14-----+-----10-----+			
8	C	8	B 8

ADDITION CODES:

LN	LW	1S	2N	3R	AREA	%COMP	VALUE
B	10		80				5000
C	12		112				3470
D	12		112				3470
E	11		140				2860

**ADDITIONS:**

LINE B FIRST FLOOR FRAME LIVING AREA
LINE C FIRST FLOOR ENCLOSED FRAME PORCH
LINE D FIRST FLOOR ENCLOSED FRAME PORCH
LINE E FIRST FLOOR OPEN FRAME PORCH

SECONDARY:

CODE	YR BLT	SQ FT	MODS	CD	%GOOD	%COMP	FUN UNIT	FUN/RS	ECO/RS	RCNLD
G30	1978	1		A	67		1			7370

G30 = GARAGE DETACHED FRAME/BLOCK

SUMMARY ALL CARDS FOR PARCEL 6706264

LAND:	12910	BUILDING:	53360	TOTAL:	66270
ASSESSED LAND:	4520	ASSESSED BLDG:	18680	ASSESSED TOTAL:	23200

SALES INFORMATION FOR PARCEL 6706264

DATE	DOC#	GRANTOR	AMT	SALE	DESC	PARCELS
05-SEP-01	18126	CRAWFORD LUMBER COMPANY INCORP	70500	1	VALID	1
15-SEP-99	18135	STEINMUELLER MARY E	65000	1	VALID	1

Print

Pay by Phone

Pay On-Line

2010 SUMMARY INFORMATION FOR PARCEL 6706264

MAILING ADDRESS	LUC	510
ANTEL DANIEL J	CLASS	R
1920 16TH ST SW	2.5%	Y
AKRON, OH 44314	HMSTD	N
APPRAISED VALUE 66,270	CAUV	N
TAXABLE VALUE 23,200	FOREST	N
BANK CODE 5319 GMAC MORTGAGE CORP	STUB	
TREAS CODE	CERT YEAR	N
CUR YR REFUND	DELQ CONTRACT	N
PRI YR REFUND	BANKRUPTCY	N
MONEY IN ESCROW	FORECLOSURE	N
MONEY IN PRETAX		

Beginning Tax Duplicate

Where Do My Tax Dollars Go? Voter Approved Levy Tax

	First Half Charges	Second Half Charges
Realestate	0.00	0.00
Special Assessment	0.00	0.00
Total	0.00	0.00
Due Date	NOV 24, 2010	JUL 16, 2010

Total Tax Amount Due Reflects Payment & Adjustment To Date

	DELQ	1st HALF	2nd HALF
TOTAL REAL ESTATE AND SPECIAL CHARGES	0.00	0.00	0.00
P & I & ADJ	0.00	0.00	0.00
PAYMENTS	0.00	0.00	0.00
AMOUNT DUE	0.00	0.00	0.00
YEARLY AMOUNT DUE:			0.00

2010 TAX BILL DETAILS FOR PARCEL 6706264

DATE	SETTLE #	PROJ. ACTION /CODE	1st HALF	2nd HALF
DELQ REAL ESTATE & ASSESSMENT TAX:			0.00	
ADJUSTMENT:			0.00	
DECEMBER INTEREST:			0.00	
AUGUST INTEREST:			0.00	
TOTAL			0.00	
REAL ESTATE CHARGES:			0.00	0.00
SPECIAL ASSESSMENT CHARGES:			0.00	0.00
ADJUSTMENT:			0.00	0.00
TOTAL CHARGES:			0.00	0.00
PAYMENTS:				
TOTAL PAYMENTS:			0.00	0.00
FH/SH AMOUNT DUE:			0.00	0.00

SPECIAL ASSESSMENT:

PROJECTNAME	END	1st HALF	2nd HALF
-------------	-----	----------	----------

GENERAL INFORMATION

JOHN A. DONOFRIO
FISCAL OFFICER, COUNTY OF SUMMIT
175 SOUTH MAIN ST.
AKRON, OHIO 44308

PLEASE DIRECT INQUIRIES CONCERNING PROPERTY VALUES TO

(330)-643-2645
(330)-643-2710
(330)-643-2661
(330)-643-2636

SPECIAL ASSESSMENTS
APPRAISAL INFORMATION
HOMESTEAD
GENERAL REAL ESTATE

PLEASE DIRECT INQUIRIES ABOUT YOUR TAX BILL INFORMATION TO

(330)-643-2867

TREASURER DIVISION PRE-PAYMENT PROGRAM

(330)-643-2600
(330)-643-2587
(330)-643-2589

MONTHLY DELINQUENT CONTRACT PROGRAM
TAX BILL MAILING INFORMATION
PAYMENT INFORMATION

Click the Following Links to Navigate the Tax Years

[2009](#) [2008](#) [2007](#) [2006](#) [2005](#) [2004](#) [2003](#) [2002](#) [2001](#) [2000](#) [1999](#) [1998](#) [1997](#) [1996](#)